

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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ALBERT P. O'DONNELL, REBECCA M.  
O'BRIEN, and GEORGE GEVARAS, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

SCRANTON SCHOOL DISTRICT, KATIE  
GILMARTIN, TOM SCHUSTER, BARBARA  
DIXON, GOPAL PATEL, GREG POPIL, TOM  
BORTHWICK, KEN NORTON, PAIGE  
GEBHARDT COGNETTI, ROBERT LESH,  
MARK MCANDREW, ROBERT CASEY, PAUL  
DUFFY, CY DOUAIHY, JIM TIMLIN, and  
ROBERT SHERIDAN,

Defendants.

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CIVIL ACTION NO.  
3:20-CV-00225-RDM

HON. ROBERT D. MARIANI

JURY TRIAL DEMANDED

**DEFENDANTS' MOTION TO EXCEED THE PAGE LIMIT FOR THEIR  
BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS**

Pursuant to Local Rule 7.8(b)(3), Defendants move for leave to file a brief in support of their Motion to Dismiss Plaintiffs' Class Action Complaint in excess of the page and word count limit provided by Local Rule 7.8(b) for the following reasons:

1. On February 7, 2020, Plaintiffs filed a Class Action Complaint against the Scranton School District (the "School District") and fifteen individual board members of the Scranton School Board (the "Board Member Defendants") (collectively, "Defendants") for alleged violations of Plaintiffs' substantive due process rights under the United States Constitution.

2. The Class Action Complaint – comprised of 50 pages and 147 numbered paragraphs – makes allegations against Defendants relating to at least fifteen separate school

premises and to conduct and occurrences, which, in some instances, date back as far as the late 1980's.

3. Defendants intend to move to dismiss Plaintiffs' claims because, *inter alia*, Plaintiffs fail to state a claim for violation of their substantive due process rights and Plaintiffs cannot maintain claims against the Board Member Defendants.

4. Pursuant to the Court's Order dated February 27, 2020 (see Dckt. #8), in the interest of judicial economy, and because the issues supporting Defendants defenses are interrelated, Defendants intend to file a single motion to dismiss Plaintiffs' Class Action Complaint.

5. However, given the breadth of Plaintiffs' allegations, the number of Defendants, and the complexity of the legal issues, Defendants cannot adequately make their arguments in support of their motion to dismiss in a single, consolidated brief under the page and word limits provided by Local Rule 7.8(b).

6. Thus, Defendants respectfully request leave of this Court to file a brief in support of their Motion to Dismiss of up to 11,500 words.

7. Defendants contend that a single joint brief with an extended word limit will be far more efficient as opposed to each defendant filing an individual brief.

WHEREFORE, Defendants respectfully request that the Court enter the attached order granting them leave to file a brief of not more than 11,500 words in support of their Motion to Dismiss.

Respectfully submitted,

By: /s/Patrick J. Loftus  
Patrick J. Loftus  
Dana B. Klinges  
Sharon L. Caffrey

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*Attorneys for Defendants*

Date: May 26, 2020

**CERTIFICATE OF CONCURRENCE**

I, Patrick J. Loftus, counsel for Defendants, pursuant to Local Rule 7.1, certify that all counsel concur in the relief requested in this Motion.

/s/ Patrick J. Loftus  
Patrick J. Loftus

Dated: May 26, 2020

**CERTIFICATE OF SERVICE**

I, Patrick J. Loftus, certify that on this May 26, 2020, Defendants' Motion to Exceed the Page Limit for their Brief in Support of their Motion to Dismiss Plaintiffs' Complaint were electronically filed and served on all counsel of record via the Court's electronic filing system.

/s/ Patrick J. Loftus  
Patrick J. Loftus